# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/942,909 | 08/31/2001 | James R. Curtis | 10015683-1 | 8138 |

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| 7590 08/10/2005 | | EXAMINER |
| HEWLETT-PACKARD COMPANY | | PWU, JEFFREY C |
| Intellectual Property Administration | | |
| P.O. Box 272400 | ART UNIT | PAPER NUMBER |
| Fort Collins, CO 80527-2400 | 2143 | |

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No. | Applicant(s) |
| **Office Action Summary** | 09/942,909 | CURTIS ET AL. |
| | Examiner | Art Unit | |
| | Jeffrey C. Pwu | 2143 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☐ Responsive to communication(s) filed on _____.
2a) ☒ This action is **FINAL**.    2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) *1-20* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-20* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
        1. ☐ Certified copies of the priority documents have been received.
        2. ☐ Certified copies of the priority documents have been received in Application No. _____.
        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1.      The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2.      Claims 1, 7, 16, and 19 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention. Claims 1, 7, 16, and 19 are rejected because it is unclear what

is the 'scope of query'.

### *Claim Rejections - 35 USC § 102*

3.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.      Claims 1-20 are rejected under 35 U.S.C. 102(e) as being unpatentable over Hudis et al.

US (6,862,736).

Hudis et al. disclose claims:

1. A system for requesting information about Resources comprising:

a Client CIM (Hudis - 60), for receiving a request from the Client for information about at least

one Resource on a Cluster, and providing the request to a requesting Node on the Cluster;

a requesting CIMOM (62), provided on the requesting Node and connected to the Client CIM,

for receiving the request, wherein the requesting Node comprises a Multiplex Provider for

communicating the request to additional CIMOM Nodes on the Cluster; and

at least one additional CIMOM Node on the Cluster and connected to the requesting CIMOM

Node, wherein in response to the request, the Multiplex Provider sends a broadcast probe to the

at least one additional CIMOM Node on a Cluster; (64)

wherein the requesting node receives a reply from the at least one additional CIMMOM Node

and forwards the reply to the Client CIMOM and based one a scope of query received from the

client CIM, the requesting CIMOM transmits a query to one or more CIMOM node on the

Cluster. (col.6, lines 10-17)


2. The system of claim 1, whereupon receiving the request for information the at least one

additional CIMOM Node obtains information from at least one Provider associated with the at

least one additional CIMOM Node and forwards the obtained information to the Multiplex

Provider (Hudis - $64_1$).


3. The system of claim 2, whereupon receiving the obtained information, the Multiplex Provider

compiles the obtained information with information obtained from at least one additional

Provider into a table, the table being presented to the Client (Hudis - $64_2$).

4. The system of claim 1, wherein each of the requesting CIMOM Node and the at least one

additional CIMOM Node is compliant with at least one of the Common Information Modeling

standard and the WBEM standard (Hudis - col.2, lines 1-18, CIM standard).

5. The system of claim 1, wherein the request further comprises a scope for the request, the scope

designating from which of the additional CIMOM Nodes the requesting CIMOM Node is to

request information (Hudis - col.1, line 55-col.2, line 18).

6. The system of claim 5, wherein the requesting CIMOM Node communicates a local scope to

the at least one additional CIMOM Node, wherein the local scope directs each of the at least one

additional CIMOM Node receiving the local scope to request the information on a local scale

(Hudis - "Unlike individual providers, a CIMOM 62 typically acts as a proxy to many providers

64, allowing the client 60 a single point of management for a wide range of manageable objects

68.sub.1 -68.sub.n. Thus, to an extent, a CIMOM 62 may be considered a centralized "provider"

of other providers, although the primary purpose of the CIMOM 62 is to isolate applications

from providers.")

7. A process for receiving information about Resources on a Cluster comprising:

receiving a request from a Client at a first Node on a Cluster (60);  providing the request to a

Multiplex Provider associated with the first Node (60); communicating the request, via the

Multiplex Provider, to more than one CIMOM Node (62, 64); receiving information from at least

one CIMOM Node, through the Multiplex Provider; compiling the received information;

providing the received information to the Client through the first Node; receiving a scope of

query from the Client; and transmitting a query to one or more CIMOM nodes on the Cluster

based on the scope of query received from the Client. ("see Operation of the CIM Object

Manager"; "in response to a query, the CIM object manager 62 is capable of retrieving

information from various providers and static sources as necessary to satisfy the query. To this

end, the object manager 62 receives potentially high level SQL queries, decomposes those

queries as necessary, and communicates with a variety of sources, possibly in a series of very

primitive operations, to produce a result. The operations are transparent to the client, as the

result is returned in the same manner regardless of the sources that supplied the information. ")


8. The process of claim 7, wherein the request is communicated by the Client through a Client

CIM connected to a requesting CIMOM associated with the first Node. (Hudis - fig.2)


9. The process of claim 8, wherein each of the Client CIM and the requesting CIMOM is

compliant with the Common Information Modeling standard. (see CIM of Hudis)


10. The process of claim 7, wherein the request further comprises a request for discovery of at

least one Resource available on the Cluster. (62, object manager request for discovery of

resources)

11. The process of claim 10, whereupon receiving a request for discovery, the first Node directs

the Multiplex Provider to discover which of the at least one Resource is available from which

Nodes on the Cluster, and the first Node stores a result of the discovery in a database (66)


12. The process of claim 11, wherein a result of the request for discovery results in an

identification of at least one Resource on a Cluster which meets a predefined threshold specified

by the Client (77).


13. The process of claim 7, wherein the request further comprises an indication of a scope for

requesting information from the Cluster (Object A, Object B, Object C).


14. The process of claim 13, wherein the scope includes a request for information from at least

one of a Node, a Provider, a type of Provider, a Resource, a type of Resource and a subset of a

Resource (Property 1, 2, 3, 4..).


Claims 15-20 are similarly rejected as in claims 1-14


## Response to Arguments

5.      Applicant's arguments with respect to claims 1-20 have been considered but are

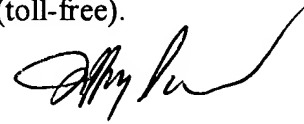moot in view of the new ground(s) of rejection.

## *Conclusion*

6.     Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7.     Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Pwu whose telephone number is 571 272-6798. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 6, 2005
JEFFREY PWU
PRIMARY EXAMINER